REMARKS

Claims 1-32 are currently pending in this application. Claims 1, 2, 4, 10-13, 18, 25 and 29-31 have been amended. No new matter has been added by these amendments. Applicants have carefully reviewed the positions presented in the Office Action and respectfully request reconsideration of the claims in view of the remarks presented below.

Prior to addressing the specific rejections in the Office Action, Applicants wish to describe an exemplary application of the system described in the specification. This description is not intended in anyway to limit the scope of the invention as claimed. Imagine being able to create an alter ego. Lets call this alter ego your character. This character is a visible icon that you assemble based on trait options that you choose while creating your character from an online character building site. You can see and store this character on your desktop. You can use this character to navigate the Internet and communicate with other characters both in real time and via e-mail. Your character could reflect your real personality or could be complete fantasy. You could have more than one character and you could change characters or traits of a character easily and at any time. You could make your character as evolved or as limited as you wished and you could be as interactive or as private as you wished. You could go online to a character site and build your character and/or subscribe to a series of character based services.

The system of the present application encompasses all of the aforementioned ideas of characters, character building, character enabled sites, character navigation, character to character interaction, character messaging and character chat, as well as the ideas of data collection through character profiles, character navigation, and character choices.

Claim Rejections Under 35 U.S.C. §102

Claim 1-8, 13-21 and 24-20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,448,980 to *Kumar*.

With respect to independent claims 1, 13, 18, 25 and 30, *Kumar* was cited as disclosing character-enabled network sites, creating a character having a plurality of attributes selected by a user through a user interface to create a character persona and providing audio and/or visual image presentations to the user interface based on the persona of the character created.

Each of independent claims 1, 13, 18 and 25 relates to the creation of a character. These characters are created by a user through the selection of one or more of a plurality of attributes which are presented to the user as either audio data or visual image data.

In *Kumar* there is nothing remotely similar to Applicants' claimed character creation. Instead, a user is presented with a screen through which he may make selections with respect to various commercial goods. Based on the user's selections, other screens are presented to the user through which additional information may be obtained on a selected item. While *Kumar* discusses the collection of information related to the personality of the user (which the Examiner appears to equate to character creation), this information is gleaned from the user's interaction with the user interface, *e.g.*, the time the user spends with various aspects of the interface, the manner the user interacts with the interface, the number of times the user returns to a particular subject (see column 2, lines 17-47) and **not** from the specific selection of one or more attributes which are presented to the user as either audio or visual image data.

On this basis alone, Applicants submit that the claimed invention is not anticipated by *Kumar*. However, in order to more clearly distinguish over *Kumar*, each of independent claims 1, 13, 18 and 25 has been amended to include presenting to the user interface a <u>presentation of the created character</u> including the data associated with each of the selected attributes defining the character's persona. *Kumar* does not disclose any such feature.

As an additional point of distinction over *Kumar*, each of independent claims 1, 13, 18 and 25 also relates to providing one of audio presentations and/or video presentations to a user interface based on the attributes defining the created character's persona. Because *Kumar* does not create a character, there can be no selection of presentations based on a created character.

Independent claim 30 relates to an apparatus that collects data based on the selection of characters and modifiable attributes associated with the characters. As amended, the claim includes a processor that presents audio or visual image data of one or more characters to the user through the user interface for selection by the user. Upon selection of a character, the processor presents audio or visual image data for the selected character and audio or visual image data for at least one modification attribute associated with the selected character to the user for selection by the user. Upon selection of a modification attribute, the processor presents

<div align="center">-11-</div>

the audio or visual image data of both the selected character and the selected modification attribute. Thus, like claims 1, 13, 18 and 25, this claim involves the creation of a character (through the selection of modifiable attributes) and the presentation of the created character including its modification attributes. For the reasons set forth with respect to claims 1, 13, 18 and 25, Applicants submit that claim 30 is not disclosed in *Kumar*.

Independent claim 29 was rejected for the same reasons set forth in claims 1, 13, 18 and 25. In addition, *Kumar* was cited for disclosing storing audio data and visual image data of a plurality of characters and presenting the plurality of characters to the user through the user interface. Applicants have reviewed the portions of *Kumar* cited in the Office Action and do not believe they support the Examiner's positions. For example, column 5, lines 4-32 describes a user model building engine that builds a model of the user's interests and personal characteristics that is used to modify presentations to the user interface. Again, assuming the Examiner equates a user's personal characteristics with Applicants claim created characters, there is no teaching that the characteristic model built by the model building engine stores audio data and visual image data of the personal characteristics.

That said, independent claim 29 is a method claim that corresponds to apparatus claim 30. As such, it has been amended similar to claim 30; thus Applicants believe *Kumar* is not anticipatory for the same reasons stated above with respect to claim 30.

In view of the foregoing, Applicants submit that *Kumar* fails to teach the invention claimed in independent claims 1, 13, 18, 25, 29 and 30. Accordingly, Applicants request reconsideration of the §102 rejections of these claims and their respective dependent claims 2-8, 14-21, 24 and 26-28.

Although Applicants believe each of the above dependent claims is allowable, claims 2, 4, 10 and 11 have been amended to further distinguish over *Kumar*. Claim 2 has been amended to recite that the character created is a human character. *Kumar* does not disclose the creation of any character, let alone a human character. Claim 4 has been amended to recite that the created character may be stored such that it may be represented to a user interface in the future. *Kumar* does not disclose such storage. Claims 10 and 11 relate to information networks that include a plurality of character-enable network sites, each of which are able to provide a presentation of a

-12-

character that was created at a different character-enabled network site. To clarify this feature, claims 10 and 11 have been amended to recite that each of the character-enable network sites is adapted to present to the user interface a presentation of the created character including the data associated with each of the selected attributes defining the character persona. This is not taught by *Kumar*.

<p style="text-align:center"><u>Claim Rejections Under 35 U.S.C. §103</u></p>

Claims 9-12, 22, 23, 31 and 32 were rejected under 35 U.S.C. 103(a) as being obvious over *Kumar* as applied to claims 1-8, 13-21 and 24-30.

Regarding claims 9-12, 22, and 23, in view of the foregoing analysis of independent claims 1 and 18, Applicants believe that the rejections under §103 are rendered moot as dependent claims 9-12, 22 and 23 depend from allowable independent claims.

As for independent claim 31, it was rejected for the same reasons as independent claims 1, 13, 18, 25 and 30 above.
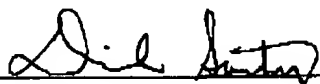
Independent claim 31 relates to a method of sharing created characters among users of an information network having a character-enabled site. The claim has been amended to recite the steps of presenting to the creator's user interface a presentation of the created character including each of the selected attributes defining the character's persona and the step of presenting the same to at least one other user interface. Applicants' submit that claim 31 is not obvious for the same reasons set forth in the analysis of the §102 rejections of claims 1, 13, 18 and 25. Specifically, *Kumar* does not disclose or suggest the creation and presentation of characters, as claimed by the Applicants. Accordingly, Applicants request reconsideration of the §103 rejection of claim 31 and dependent claim 32.

<p style="text-align:center"><u>CONCLUSION</u></p>

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. Therefore, reconsideration and allowance of all of Applicants' claims 1-32 are believed to be in order and an early Notice of Allowance to this effect is earnestly solicited.

<p style="text-align:center">-13-</p>

Respecifully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____

David S. Sarisky
Registration No. 41,288

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

29147.1

-14-